

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

C.A. No. 04-312L

JEFFREY DERDERIAN, et al.,
Defendants.

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

C.A. No. 03-483L

AMERICAN FOAM CORPORATION, et al.,
Defendants.

**PLAINTIFFS'¹ MOTION TO APPROVE AND ESTABLISH THE 468B
QUALIFIED SETTLEMENT FUND AND
APPOINT FUND TRUSTEES**

Plaintiffs in all of the consolidated Station Fire civil actions hereby respectfully move that this Court (a) approve the establishment of a Qualified Settlement Fund (§ 468B Trust) in the form attached as Exhibit 1; and (b)

¹ All Plaintiffs represented by all counsel in all actions as indicated by the signatures of counsel and in the following cases of Gray, et al. v. Derderian, et al., C.A. No. 04-312L; Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L; Passa, et al. v. Derderian, et al., C.A. No. 03-148L; Kingsley, et al. v. Derderian, et al., C.A. No. 03-208L; Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L; (Guindon, et al. v. Leggett & Platt, Inc., et al., C.A. No. 07-366L consolidated with Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L); Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L; Roderiques, et al. v. American Foam Corp., et al., C.A. No. 04-026L; Sweet, et al. v. American Foam Corp., et al., C.A. No. 04-056L; Paskowski, et al. v. Derderian, et al., C.A. No. 05-002L; Kolasa v. American Foam Corp., et al., C.A. No. 05-070L; Long v. American Foam Corporation, C.A. No. 06-047L; Malagrino v. American Foam Corp., et al., C.A. No. 06-002L; and Gonsalves v. Derderian, et al., C.A. No. 06-076L.

appoint Paul Finn, Esquire and RBS Citizens, N.A. ("Citizens Bank"), One Citizens Plaza, Providence, RI 02903 as co-trustees of the Qualified Settlement Fund ("QSF") established pursuant to Section 468B of the Internal Revenue Code, and Treasury Regulation § 1.468B-1.

A Memorandum in support of this Motion is being filed contemporaneously herewith.

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,
By their Attorneys,

/s/ Max Wistow
/s/ John P. Barylick
Max Wistow, Esq. (#0330)
John P. Barylick, Esq. (#1907)
Wistow & Barylick Incorporated
61 Weybosset Street
Providence, RI 02903
Tel.: 401-831-2700
Fax: 401-272-9752
[email: mw@wistbar.com]
[email: jpb@wistbar.com]

Plaintiffs #1 through #11, inclusive, #12b, #13a, b, and c, #14 through #16, inclusive, #80 through #132, inclusive, #222; #223, and #242 through #248, inclusive,
By their Attorneys,

/s/ Patrick T. Jones
/s/ Peter J. Schneider
Patrick T. Jones, Esq. (#6636)
Peter J. Schneider, Esq. (#6834)
Cooley Manion Jones LLP
21 Custom House Street
Boston, MA 02110

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,
By their Attorney,

/s/ Mark S. Mandell
Mark S. Mandell, Esq. (#0502)
Mandell, Schwartz & Boisclair, Ltd.
One Park Row
Providence, RI 02903
Tel.: 401-273-8330
Fax: 401-751-7830
[email: msmandell@msn.com]

Plaintiffs #65b, #71 through #75, inclusive, #197 through #214, inclusive, #224; #234 through #237, inclusive, #260 through #262, inclusive, #265 and #266,
By their Attorney,

/s/ Michael A. St. Pierre
Michael A. St. Pierre, Esq. (#2553)
Revens, Revens & St. Pierre, P.C.
946 Centerville Road
Warwick, RI 02886
Tel.: 401-822-2900
Fax: 401-826-3245

Tel.: 617-737-3100

Fax: 617-737-3113

[email: pjones@cmjlaw.com]

[email: pschneider@cmjlaw.com]

[email: mikesp@rrsplaw.com]

Plaintiffs #64, #65a, #66 through #68,
inclusive, #192 through #195 inclusive, and
#241,

By their Attorney,

Plaintiffs #12a, #76 through #79, inclusive,
#215 through #221, inclusive, #238, #258,
#259, #263, and #264,

By their Attorney,

/s/ Stephen E. Breggia

Stephen E. Breggia, Esq. (#2865)

Breggia, Bowen & Grande

395 Smith Street

Providence, RI 02908

Tel.: 401-831-1900

Fax: 401-831-0129

[email: sbreggia@bbglaw.us]

/s/ Steven A. Minicucci

Steven A. Minicucci, Esq. (#4155)

Calvino Law Associates

373 Elmwood Avenue

Providence, RI 02907

Tel.: 401-785-9400

Fax: 401-941-1550

[email: sminicucci@calvinolaw.com]

Plaintiffs #69; #70; #196, #249, and #250,

By their Attorney,

Plaintiffs #191 and #239,

By their Attorney,

/s/ Eva-Marie Mancuso

Eva-Marie Mancuso, Esq. (#3564)

Hamel, Waxler, Allen & Collins

387 Atwells Avenue

Providence, RI 02909

Tel.: 401-455-3800

Fax: 401-455-3806

[email: emancuso@hwac.com]

/s/ Charles N. Redihan, Jr.

Charles N. Redihan, Jr., Esq. (#1810)

Kiernan, Plunkett & Redihan

91 Friendship Street

Providence, RI 02903

Tel.: 401-831-2900

Fax: 401-331-7123

[email: credihan@kprlaw.com]

Plaintiffs Tammy Passa, et al.,
Andrew Paskowski, et al.,
Estate of Jude B. Henault, et al.,
Ronald Kingsley, et al., and
Katrina Kolasa, et al.,
By their Attorney,

/s/ Ronald J. Resmini

Ronald J. Resmini, Esq. (#0848)

Resmini Law Office, Ltd.

155 South Main Street, Suite 400

Providence, RI 02903

Tel.: 401-751-8855

Fax: 401-737-6464

[email: resminilaw@yahoo.com]

Plaintiffs Estate of Jude B. Henault, et al.,
Estate of Melvin Gerfin, et al.,
Estate of Samuel A. Miceli, et al.,
William Long, et al.,
David Malagrino, et al., and
Nancy Noyes, et al.,
By their Attorney,

/s/ Robert I. Reardon

Robert I. Reardon, Esq.
The Reardon Law Firm, P.C.
160 Hempstead Street
P.O. Drawer 1430
New London, CT 06320
Tel.: 860-442-0444
Fax: 860-444-6445
[email: reardonlaw@aol.com]

Plaintiffs Estate of Jude B. Henault, et al.
and Katrina Kolasa, et al.,
By their Attorney,

/s/ Ralph J. Monaco

Ralph J. Monaco, Esq.
Conway & Londregan, P.C.
38 Huntington Street
P.O. Box 1351
New London, CT 06320
Tel.: 860-447-3171
[email: rmonaco.c-l@snet.net]

Plaintiffs George Guindon, et al.,
Linda Roderiques, et al. and
Charles and Carol Sweet, et al.,
By their Attorney,

/s/ Brian R. Cunha

Brian R. Cunha, Esq.
Brian Cunha & Associates
311 Pine Street
Fall River, MA 02720
Tel.: 508-675-9500
Fax: 508-679-6360

[email: brian@briancunha.com]

Plaintiffs Neil Gonsalves, et al.,
By their Attorney,

/s/ Russell Bramley
Russell Bramley, Esq. (#1781)
Haronian, Bramley & Harrington, LLP
Centerville Commons
875 Centerville Road
Warwick, RI 02886
Tel.: 401-615-2886
[email: rbramley@hbhlaw.net]

CERTIFICATION

I hereby certify that an exact copy of the within document was electronically submitted to the Electronic Case Filing System of the United States District Court for its distribution to all counsel of record and a copy was electronically mailed to *pro se* defendant on this 16th day of December, 2009.

Andrew A. Beerworth, Esq.	abeerworth@morrisonmahoney.com
Andrew J. Trevelise, Esq.	atrevelise@reedsmith.com
Ann Songer, Esq.	stationfire@shb.com
Anthony F. DeMarco, Esq.	tdemarco@conversent.net
B. Jon Enciso	jenciso@legalmgt.com
Benjamin V. White, III, Esq.	bwhite@vetterandwhite.com
Bennett R. Gallo, Esq.	brg@ndgrb.com
Brian Cunha, Esq.	brian@Briancunha.com
Bruce P. Keller, Esq.	bkeller@debevoise.com
Bruce G. Tucker, Esq.	btucker@legalmgt.com
C. Russell Bengtson, Esq.	rbengtson@ckmlaw.com
Carl A. Henlein, Esq.	chenlein@fbtlaw.com
Charles Babcock, Esq.	cbabcock@jw.com
Charles N. Redihan, Jr., Esq.	credihan@kprlaw.com
Christopher C. Fallon, Jr., Esq.	cfallon@cozen.com
Daniel Horgan, Esq.	horganlaw@snet.net
Daniel P. McKiernan, Esq.	danielpmckiernan@yahoo.com
David D. Langfitt, Esq.	dlangfitt@mmwr.com
David E. Maglio, Esq.	dmaglio@magliolaw.com
David T. Mitrou, Esq.	dmitrou@mccormackfirm.com
David A. Wollin, Esq.	dwollin@apslaw.com

Denean M. Russo, Esq.	drusso@mwdglaw.com
Dennis J. Roberts, II, Esq.	droberts@djrlaw.com
Donald J. Maroney, Esq.	dmaroney@kkrs.com
Earl H. Walker, Esq.	ewalker@jw.com
Edward M. Crane, Esq.	ecrane@skadden.com
Edward T. Hinchey, Esq.	ehinchey@sloanewalsh.com
Edwin F. McPherson, Esq.	emcpherson@m-klaw.com
Eric B. DiMario, Esq.	edimario@gunninglafazia.com
Eric Bradford Hermanson, Esq.	ehermanson@choate.com
Esquire Litigation Solutions LLC	stationfire@esquirecom.com
Eva Marie Mancuso, Esq.	emancuso@hwac.com
Fred A. Kelly, Jr., Esq.	stationfirelitigation@nixonpeabody.com
George E. Wolf, III, Esq.	stationfire@shb.com
Henry M. Swan, Esq.	hms@dksblaw.com
Howard Julian	sohohomes@yahoo.com
Howard A. Merten, Esq.	hm@psh.com
J. Renn Olenn, Esq.	mkd@olenn-penza.com
James K. Archibald, Esq.	jima@wmtburnett.com
James A. Bigos, Esq.	jim@b-plaw.com
James S. D'Ambra, Esq.	ricedolan@ricedolan.com
James E. Kelleher, Esq.	jamesk@rrsplaw.com
James R. Lee, Esq.	jlee@riag.ri.gov
James C. Martin, Esq.	jmartin@reedsmith.com
James T. Murphy, Esq.	stationfire@hansoncurran.com
James H. Reilly, III, Esq.	jreilly@kkrs.com
James J. Restivo, Jr., Esq.	jrestivo@reedsmith.com
James A. Ruggieri, Esq.	jruggieri@hcc-law.com
Jennifer A. Creedon, Esq.	stationlitigation@cetcap.com
John H. Brooke, Esq.	jbrooke@brookemawhorr.com
John A. Calettri, Esq.	jcalettri@melicklaw.com
John R. Crockett, III, Esq.	jcrockett@fbtlaw.com
John J. Doody, Esq.	doody@lbbslaw.com
John J. Flanagan, Esq.	jflanagan@torti.com
John G. Hines, Esq.	hines-patz@conversent.net
John R. Mahoney, Esq.	johnmahoney@amlawllp.com
John F. Murphy, Esq.	stationfire@shb.com
John J. Nazzaro, Esq.	attynazzaro@aol.com
Joseph H. Aronson, Esq.	jaronson@mccormackfirm.com
Joseph J. Bellew, Esq.	jbellew@cozen.com
Joseph B. Burns, Esq.	jburns@rms-law.com
Joseph V. Cavanagh, Jr., Esq.	stationfire@blishcavlaw.com
Joseph Krowski, Esq.	josephkrowski.law@verizon.net
Josh M. Greenbaum, Esq.	jgreenbaum@cozen.com
Kate B. Harden, Esq. for J.Renn Olenn	kbh@olenn-penza.com
Karen A. Alegria, Esq.	karen@Briancunha.com
Karen K. Corcoran, Esq.	karen@desistolaw.com
Kathleen C. Henry, Esq.	khenry@choate.com
Kathleen M. Daniels, Esq.	kathleen@desistolaw.com
Kelly N. Michels, Esq.	stationfire@hansoncurran.com

Kevin F. Bowen, Esq.
Kevin R. Powers, Esq.
Kim M. Clarke, Esq.
Kyle E. Bjornlund, Esq.
Lauren D. Wilkins, Esq.
Lawrence J. Cappuccino, Esq.
Lawrence G. Cetrulo, Esq.
Lisa A. Pinsonneault, Esq.
Marc DeSisto, Esq.
Mark D. Cahill, Esq.
Mark P. Dolan, Esq.
Mark Hadden, Esq.
Mark S. Mandell, Esq.
Mark T. Nugent, Esq.
Mark Parsky, Esq.
Mark T. Reynolds, Esq.
Mark R. Ter Molen, Esq.
Mark D. Tourgee, Esq.
Matthew F. Medeiros, Esq.
Meghan H. Sullivan, Esq.
Michael A. DeSisto, Esq.
Michael R. DeLuca, Esq.
Michael J. Mazurczak, Esq.
Michael J. McCormack, Esq.
Michael Potenza, Esq.
Michael A. St. Pierre, Esq.
Michael G. Sarli, Esq.
Nancy W. Hamilton, Esq.
Nicholas B. Kosiavelon, Esq.
Patrick T. Jones, Esq.
Paul Sullivan, Esq.
Peter Resnik, Esq.
Peter Schneider, Esq.
Rajaram Suryanarayan, Esq.
Ralph J. Monaco, Esq.
Randall L. Souza, Esq.
Richard Gallone, Esq.
Robert P. Corrigan, Esq.
Robert T. Norton, Esq.
Robert I. Reardon, Esq.
Robert L. Reifenberg, Esq.
Robert K. Taylor, Esq.
Ronald J. Creamer, Esq.
Ronald Langlois, Esq.
Ronald J. Resmini, Esq.
Russell Bramley, Esq.
S. Michael Levin, Esq.
Scott Carroll, Esq.

kbowen@bbglaw.us
kpowers@cetcap.com
kclarke@nixonpeabody.com
kbjornlund@cetcap.com
lwilkins@smithbrink.com
l.cappuccino@worldnet.att.net
stationlitigation@cetcap.com
lpinsonneault@straussfactor.com
stationfire@desistolaw.com
mcahill@choate.com
ricedolan@ricedolan.com
mhadden@mhaddenlaw.com
msmandell@msn.com
mnugent@morrisonmahoney.com
mep@mcveyparsky-law.com
mtreynolds@conversent.net
mtermolen@mayerbrownrowe.com
aminchillo@itwlaw.com
mfm@lmkbw.com
meghan.sullivan@lw.com
michael@desistolaw.com
mrd@gsm-law.com
stationlitigation@melicklaw.com
mmccormack@mccormackfirm.com
mpotenza@debevoise.com
mikesp@rrsplaw.com
mgs@gsm-law.com
nhamilton@jw.com
nkosiavelon@BMCattorneys.com
pjones@cmjlaw.com
pvsullivan@morrisonmahoney.com
presnik@mwe.com
pschneider@cmjlaw.com
rsury@gunninglafazia.com
rmonaco.c-l@snet.net
stationfirelitigation@nixonpeabody.com
richard@briancunha.com
rpcorrigan@conversent.net
rnorton@sloanewalsh.com
reardonlaw@aol.com
rreifenberg@clausen.com
rkt@psh.com
resminilaw@yahoo.com
rlanglois@smithbrink.com
resminilaw@yahoo.com
bramley@hbhlaw.net
mlevin@wszlaw.com
scarroll@BMCattorneys.com

Scott J. Tucker, Esq.
Stefanie DiMaio-Larivee, Esq.
Stephen T. Armato, Esq.
Stephen E. Breggia, Esq.
Stephen P. Fogerty, Esq.
Stephen J. MacGillivray, Esq.
Stephen M. Prignano, Esq.
Steven J. DeLuca, Esq.
Steven W. Kasten, Esq.
Steven A. Minicucci, Esq.
Steven M. Richard, Esq.
Steve Shaw
Stewart Grossman, Esq.
Susan S. Wettle, Esq.
Suzanne O'Donoghue, Esq.
T. Dos Urbanski, Esq.
Thomas C. Angelone, Esq.
Thomas R. Bender, Esq.
Thomas G. Briody, Esq.
Thomas J. Cronin, Esq.
Thomas W. Lyons, Esq.
Timothy B. Hardwicke, Esq.
Timothy R. Scannell, Esq.
Timothy A. Williamson, Esq.
Tracy L. Poppe, Esq.
Tyler Jay Lory, Esq.
V. Edward Formisano, Esq.
W. Thomas McGough, Jr., Esq.
William F. Burke, Esq.
William M. Heffernan, Esq.
William A. Filippio, Esq.
William E. O'Gara, Esq.
William P. Pistorius, Esq.

stucker@ths-law.com
singinglawyer@msn.com
stationlitigation@cetcap.com
sbreggia@bbglaw.us
fogerty@halloran-sage.com
smacgillivray@eapdlaw.com
sprignano@eapdlaw.com
sdeluca@morrisonmahoney.com
skasten@mwe.com
sminicucci@calvinolaw.com
stationfirelitigation@nixonpeabody.com
srev2@cox.net
sgrossman@lgllp.com
swettle@fbtlaw.com
sodonoghue@hcc-law.com
stationlitigation@melicklaw.com
angelonelaw@aol.com
stationfire@hansoncurran.com
tbriodylaw@aol.com
tjc@ndgrb.com
tlyons@straussfactor.com
timothy.hardwicke@lm.com
tscannell@BMCattorneys.com
aminchillo@itwlaw.com
reardonlaw@aol.com
tlory@clausen.com
edf@sfclaw.com
tmcgough@reedsmith.com
wburke@apslaw.com
heffernanlaw@aol.com
wfilippio@calvinolaw.com
wogara@pld-law.com
wpistorius@clausen.com

/s/ Max Wistow

/s/ John P. Barylick

Max Wistow, Esq. (#0330)

John P. Barylick, Esq. (#1907)

WISTOW & BARYLICK INCORPORATED

61 Weybosset Street

Providence, RI 02903

(401) 831-2700

(401) 272-9752 (fax)

Email: mw@wistbar.com

Email: jpb@wistbar.com